

**FORTIETH LEGISLATIVE DAY
FRIDAY, FEBRUARY 14, 2003**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 65 members present.

Absent and excused -- Bieter, Collins, Eberle, Jones, Rydalch. Total -- 5.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by James Schneider, Page.

Approval of Journal

February 14, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-ninth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

February 13, 2003

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bill, to wit:

H 87

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

February 13, 2003

Mr. Speaker:

I return herewith enrolled **H 91** and **H 33** which have been signed by the President.

WOOD, Secretary

Enrolled **H 91** and **H 33** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 13, 2003

Mr. Speaker:

I transmit herewith **S 1069** which has passed the Senate.

WOOD, Secretary

S 1069 was filed for first reading.

February 13, 2003

Mr. Speaker:

I return herewith **HJM 1** and **HCR 8** which have passed the Senate.

WOOD, Secretary

HJM 1 and **HCR 8** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 14, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 22**, **H 256**, **H 257**, **H 258**, **H 259**, **H 260**, **H 261**, **H 262**, **H 263**, and **H 264**.

FIELD(18), Chairman

HCR 22 was referred to the Environmental Affairs Committee.

H 256 and **H 257** were referred to the Local Government Committee.

H 258, **H 259**, and **H 260** were referred to the State Affairs Committee.

H 261, **H 262**, and **H 263** were referred to the Education Committee.

H 264 was referred to the Revenue and Taxation Committee.

February 14, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 9**, **H 50**, and **H 85**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HCR 9**, **H 50**, and **H 85**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 14, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 90** and **H 86** to the Governor at 1:20 p.m., as of this date, February 13, 2003.

FIELD(18), Chairman

February 13, 2003

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 38, H 40, and H 36** and recommend that they do pass.

STEVENSON, Chairman

H 38, H 40, and H 36 were filed for second reading.

February 13, 2003

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 173** and report it back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

H 173 was placed on General Orders for consideration.

February 13, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 92** and recommend that it do pass.

FIELD(18), Chairman

H 92 was filed for second reading.

February 14, 2003

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 162, H 164, H 165, and H 166** and recommend that they do pass.

DEAL, Chairman

H 162, H 164, H 165, and H 166 were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 23 BY REVENUE AND TAXATION COMMITTEE

A CONCURRENT RESOLUTION

Stating legislative findings and urging communities, businesses and schools throughout the state of Idaho to contribute towards the effort to provide the Capitol Christmas Tree.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the custom of placing the nation's Christmas tree on the front lawn of the U.S. Capitol dates back to 1964 and since 1970, the "people's tree" has come from a national forest; and

WHEREAS, Idaho has been given the unique honor to provide the Capitol Christmas Tree in 2003 for Washington,

D.C. and a 70-foot tall tree will be harvested from the Boise, Payette or Sawtooth National Forests in November 2003 pending selection from the nation's Capitol Landscape Architect; and

WHEREAS, the 2003 tree will be the first national Christmas tree from Idaho and this project provides an excellent opportunity to highlight Idaho and the national forests located here; and

WHEREAS, in addition to the main Capitol Christmas Tree, there will be a need for 70 to 80 companion trees to be selected and sent to the nation's capitol for many offices, the U.S. Supreme Court and the National Arboretum; and

WHEREAS, Idahoans can become directly involved in helping make between 4,000 and 6,000 handcrafted ornaments to decorate the Capitol Christmas Tree; and

WHEREAS, community celebrations will occur in Idaho as the Capitol Christmas Tree travels a route throughout the state prior to its cross-country trip to our nation's capitol.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that Idahoans should participate in the activities surrounding the 2003 Capitol Christmas Tree. We urge communities, businesses and schools throughout the state of Idaho to contribute towards the effort to provide the Capitol Christmas Tree, including involving organizations and school children in the making of decorations for the tree. We further urge Idahoans to participate in any community celebrations that may occur in their community as the Capitol Christmas Tree travels its route within Idaho prior to its trip across the United States to Washington, D.C.

HCR 23 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 265

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO SALES TAXATION; REPEALING SECTION 63-3622G, IDAHO CODE, RELATING TO AN EXEMPTION FROM SALES TAXATION FOR THE PURCHASE OF ANY MATTER USED TO PRODUCE HEAT BY BURNING; AMENDING SECTION 63-3622D, IDAHO CODE, TO DELETE REFERENCE TO THE SALES TAX EXEMPTION FOR HEATING MATERIALS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3622JJ, IDAHO CODE, TO DELETE REFERENCE TO THE SALES TAX EXEMPTION FOR HEATING MATERIALS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 266

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CRIME; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1509A, IDAHO CODE, TO PROVIDE THAT ADULTS WHO USE THE INTERNET TO ENTICE

CHILDREN UNDER THE AGE OF SIXTEEN YEARS OR BELIEVED TO BE UNDER THE AGE OF SIXTEEN YEARS TO ENGAGE IN ILLEGAL SEXUAL ACTS SHALL BE GUILTY OF A FELONY, TO PROVIDE A PENALTY, TO LIMIT DEFENSES AND TO PROVIDE FOR JURISDICTION; AND AMENDING SECTION 18-8304, IDAHO CODE, TO APPLY THE PROVISIONS OF THE SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT TO FELONIES INVOLVING THE ENTICEMENT OF CHILDREN OVER THE INTERNET.

HOUSE BILL NO. 267
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE IDAHO BOND BANK AUTHORITY; AMENDING SECTION 67-8705, IDAHO CODE, TO PROVIDE THE AUTHORITY THE POWER AND DUTY TO FACILITATE THE PURCHASE OF NOTES FROM MUNICIPALITIES TO BE UTILIZED BY A MUNICIPALITY IN PURCHASING, LEASING OR LEASE-PURCHASING TANGIBLE PERSONAL PROPERTY WHEN THE NOTE WAS OTHERWISE LEGALLY ISSUED AND AUTHORIZED BY A MUNICIPALITY AND THE PURCHASE OF THE NOTE FROM A MUNICIPALITY DOES NOT VIOLATE THE STATE CONSTITUTION.

HOUSE BILL NO. 268
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO POLITICAL PARTIES; AMENDING SECTION 34-707, IDAHO CODE, TO PROVIDE THAT A STATE CONVENTION SHALL BE HELD BY EACH POLITICAL PARTY IN EACH ELECTION YEAR AT A TIME AND PLACE DETERMINED BY THE STATE CENTRAL COMMITTEE; AND AMENDING SECTION 34-711, IDAHO CODE, TO PROVIDE THAT THE NAMES OF THE PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES AND PRESIDENTIAL ELECTORS OF A POLITICAL PARTY SHALL BE CERTIFIED TO THE SECRETARY OF STATE ON OR BEFORE SEPTEMBER 1 UNLESS A FIVE DAY EXTENSION IS GRANTED BY THE SECRETARY OF STATE AND TO MAKE A TECHNICAL CORRECTION.

H 265, H 266, H 267, and H 268 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1069, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 194, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 151, by Local Government Committee, was read the second time by title and filed for third reading.

H 198 and **HCR 16**, by Environmental Affairs Committee, were read the second time by title and filed for third reading.

H 22, H 23, H 24, and H 25, by Mr. Speaker, requested by Bureau of Occupational Licenses, were read the second time by title and filed for third reading.

H 26, by Mr. Speaker, requested by Commission for the Blind and Visually Impaired, was read the second time by title and filed for third reading.

H 129 and **H 127**, by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

H 181 and **H 182**, by State Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 115 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ring to open debate.

The question being, "Shall **H 115** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Sali, Saylor, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Barrett, Bieter, Collins, Eberle, Jones, Rydallch, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 115** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 116 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Edmunson to open debate.

The question being, "Shall **H 116** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Barrett, Bieter, Collins, Eberle, Jones, Rydalch, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 116** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 145 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall **H 145** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Mr. Speaker. Total -- 62.

NAYS -- None.

Absent and excused -- Barrett, Bieter, Collins, Crow, Eberle, Jones, Rydalch, Wood. Total -- 8.

Total -- 70.

Whereupon the Speaker declared **H 145** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 146 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall **H 146** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge,

Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Barrett, Bieter, Collins, Eberle, Jones, Rydalch, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 146** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **H 43** and **H 58** retain their places on the Third Reading Calendar until Monday, February 17, 2003. There being no objection, it was so ordered.

H 46 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cuddy to open debate.

The question being, "Shall **H 46** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Mr. Speaker. Total -- 62.

NAYS -- Henbest. Total -- 1.

Absent and excused -- Barrett, Bieter, Collins, Eberle, Jones, Rydalch, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 46** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 175 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall **H 175** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Crow, Cuddy, Deal,

Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Mr. Speaker. Total -- 61.

NAYS -- Barraclough, Nielsen. Total -- 2.

Absent and excused -- Barrett, Bieter, Collins, Eberle, Jones, Rydalch, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 175** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 176 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Deal to open debate.

The question being, "Shall **H 176** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Barrett, Bieter, Collins, Eberle, Jones, Rydalch, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 176** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **H 179** retain its place on the Third Reading Calendar until Monday, February 17, 2003. There being no objection, it was so ordered.

H 147 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson to open debate.

The question being, "Shall **H 147** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black,

Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Mr. Speaker. Total -- 61.

NAYS -- Kulczyk, Sali. Total -- 2.

Absent and excused -- Barrett, Bieter, Collins, Eberle, Jones, Rydalch, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 147** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 9:30 a.m., Monday, February 17, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:55 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk